

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2401.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CLARET WINE.

On or about December 3, 1912, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 barrels of so-called claret wine remaining unsold in the original unbroken packages and in possession of J. Carneval, New York, N. Y., alleging that the product had been shipped on or about October 23, 1912, by the G. E. Ryckman Wine Co., Brockton, N. Y., and transported from the State of New York through the State of New Jersey into the State of New York and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Claret—J. Carneval."

Adulteration of the product was alleged in the libel for the reason that it was colored in a manner whereby damage and inferiority were concealed, that is to say, that said product was colored with a certain coal-tar dye, to wit, Azo-Rubin. Misbranding was alleged for the reason that the product was an imitation of and offered for sale under the distinctive name of another article, that is to say, claret wine, when, in truth and in fact, it was a spoiled wine, colored with a certain coal-tar dye, to wit, Azo-Rubin, and having a high content of acetic acid so as to render it unfit for use; and further, in that the product was labeled and branded so as to deceive and mislead the purchaser, in that said label represented the product to be claret wine, when, in truth and in fact, it was a spoiled wine colored with a certain coal-tar dye, to wit, Azo-Rubin, and having such a high content of acetic acid as to render it unfit for use; and further, in that the label on the product bore a statement regarding it which was false and misleading, that is to say, the product was labeled "Claret," when, in truth and in fact, it was a spoiled wine colored with a certain coal-tar dye, to wit, Azo-Rubin, and having such a high content of acetic acid as to render it unfit for use.

On January 7, 1913, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*

2401

